

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

BRIAN JAMES AZURE,

Plaintiff,

vs.

GREAT FALLS POLICE  
DEPARTMENT,

Defendant.

CV 18-45-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this matter on January 2, 2019. (Doc. 10.) Judge Johnston determined that Plaintiff Brian Azure failed to state a federal claim upon which relief may be granted, and recommended dismissal for failure to state a claim. *Id.* at 1. Neither party filed objections. Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 10) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that this matter is **DISMISSED** for failure to state a federal claim against a proper defendant.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to close this matter and enter judgment in favor of Defendants pursuant to Fed.R.Civ.P. 58.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision will not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain that the Complaint lacks arguable substance in law or fact.

DATED this 31<sup>st</sup> day of January, 2019.



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Brian Morris  
United States District Court Judge